



**UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10039277	1/4/02	HUSSON, FRANK D.	SOLAR1120-3

FOLEY & LARDNER LLP
P.O. BOX 80278
SAN DIEGO, CA 92138-0278

EXAMINER

CARL D.. PRICE

ART UNIT	PAPER
3749	20070919

DATE MAILED:


Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The Examiner's Answer failed to acknowledge Appellant's remarks concerning Related Appeals and Interferences.

A corrected copy of page 19 the last Examiner's Answer mailed on 08/27/2007 is attached.

Under the Heading "(11) Related Proceeding(s) Appendix?" page 19 of the Examiner's Answer now includes the statement that "No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer."


CARL D. PRICE
Primary Examiner
Art Unit: 3749

Art Unit: 3749

from these people. Indeed, in one case, there is a reference to the cost of the materials being subsidized (See the email: From: Jaime Frias, Sent: Monday, October 18, 2004 3:17 AM; To: fhussan@solarsolutions.info, Cc: Michael Roberts, Subject: Re: Info request - Attn – Janine which states: “For your information, IDE works in promoting sustainable solutions for the poor. Having said this is that if we engage in testing this technology is under the assumption that they will be commercialized. I wanted to just make the point as many NGOs follow a ‘subsidy’ approach for disseminating products”). And, none of the emails present evidence that applicant’s invention necessarily solves a long felt need and/or achieved a level of actual commercial success indicative of nonobviousness.

The other exhibit articles relate to applicant's product and could be based on applicant's marketing materials rather than on actual testing or evidence collected by the writers.

Declarant comments on the lack of suitable alternatives currently available in the marketplace, however there is no evidence that there were no suitable alternatives at the time the invention was made. On the contrary, documentary evidence of record in the present application appears to suggest alternatives were indeed available at the time of the invention. For example, at least **SODIS Technical Note #17, Sodis Bags and Temperature Sensors or US004557251 (Burkhardt)** specifically address the issue of providing potable water through a method of heating the water in a portable solar energy absorbing device.

The examiner acknowledges that secondary considerations such as commercial success, long felt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented, as indicia of nonobviousness. However, appellant’s declaration and accompanying exhibits fail to provide information sufficient to establish indicia of nonobviousness of the claimed invention over the prior art relied on by the examiner to reject the claims.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.